

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARLA MARIE DAVIS,
Plaintiff,
v.
CACH, LLC, et al.,
Defendants.

Case No. [14-cv-03892-BLF](#)

**ORDER GRANTING PLAINTIFF
LEAVE TO FILE A MOTION FOR
RECONSIDERATION; SETTING
BRIEFING AND HEARING SCHEDULE**

[Re: ECF 46]

On March 2, 2015, the Court granted Defendants' motion to compel arbitration. *See* ECF 45. Thereafter, on March 4, 2015, Plaintiff moved for leave to file a motion for reconsideration, contending that a provision in the purchase agreement between CACH and HSBC Bank Nevada, N.A., contractually waives CACH's right to compel arbitration. *See* ECF 46 at 2.

Pursuant to Civil Local Rule 7-9, a party may seek leave of court to file a motion for reconsideration. Plaintiff brings her motion pursuant to Rule 7-9(b)(3), a "failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court" prior to the issuance of the Order.¹ Local Rule 7-9(d) states that "[u]nless otherwise ordered by the assigned Judge, no response need be filed [to the motion for leave] If the judge decides to order the filing of additional papers or that the matter warrants a hearing, the judge will fix an appropriate schedule."

The Court GRANTS Plaintiff leave to file a motion for reconsideration based on its contention that the purchase agreement provision could constitute a contractual waiver of


¹ The purchase agreement provision which Plaintiff claims waives CACH's right to compel arbitration was presented in a supplemental declaration submitted with Defendants' Reply brief. *See* ECF 39-1.

1 Defendant CACH's right to compel arbitration. The parties shall brief the motion for
2 reconsideration on the following schedule:

3	Plaintiff's motion for reconsideration:	April 1, 2015
4	Defendants' opposition:	April 15, 2015
5	Plaintiff's reply:	April 22, 2015
6	Hearing on the motion:	May 7, 2015 ²

7 **IT IS SO ORDERED.**

8 Dated: March 18, 2015

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10 BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

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² Due to this briefing schedule, the Court hereby VACATES the hearing on the motion for leave to file a motion for reconsideration, presently scheduled for April 16, 2015.